



IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 2820 OF 1993

BETWEEN :

Basavanneppa
S/o Sangappa Kalyane,
Major,
R/o Bhalki

.. PETITIONER

(Sri Patil for
M/s Patil Associates, Advocate
for Petitioner)

R N D :

1. The Assistant Commissioner,
Basavakalyan Sub-Division,
Basavakalyan,
Bidar District
2. The Tahsildar,
Bhalki Taluk,
Bhalki,
Bidar District
3. Mallikarjuna
S/o Sangappa Kalyani

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4. Rajkumar
S/o Nagasetty Kalyani
5. Shivakumar
S/o Madhava Rao
6. Shivaraj
S/o Kallappa
7. Shankreppa
S/o Basappa Karkkle

3 to 7 are majors, Agriculturists
by profession,
R/o Bhalki, Bidar District

.. RESPONDENTS

(Sri I.G. Gachchinamath for R - 4 to 7
Sri C. Ramakrishna, H.C.G.P. for R-1 & 2
R - 3 served)

Writ Petition filed under Articles 226 & 227
of the Constitution of India, praying to; quash the
order at Annexure - 'F' passed by the 1st respondent
in No. SDB:REV.CR.5/92-93/6543 dated 16-10-1992 as
illegal by issuing a writ of certiorari, etc.

This Writ Petition coming on for Preliminary
hearing in "B" Group, this day, the Court made the
following :

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The petitioner impugns Annexure-F order. There is
a dispute between the petitioner on the one hand and the
3rd respondent on the other with respect to certain land
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in Sy.No.154/AA. The petitioner claims 20 guntas of land. It is alleged that this was obtained by him in a partition and the petitioner's name was entered in the Mutation Register. Subsequently the 3rd respondent seems to have sold an extent of 1 acre 20 guntas (which is alleged to be taken in the property belonging to the petitioner) to respondents Nos.3 to 7. Respondents Nos.3 to 7 thereafter applied for change of mutation entries. By Annexure-E order, the Tahsildar directed the parties to approach the Civil Court and work out their remedy there. Against the said order, an appeal was filed by respondents Nos.3 to 7 before the Assistant Commissioner. The Appellate Authority entertained the appeal and set aside the order of the Tahsildar and remanded the matter for fresh disposal in accordance with law. This order Annexure-F is challenged in these proceedings.

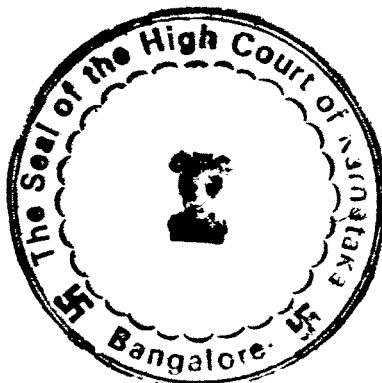
2. I have heard Mr.Patil, learned counsel for the petitioner, as also Mr.Gachchinamath, learned counsel for respondents Nos.3 to 7. I do not think the order impugned calls for interference. All that the 1st respondent has done is that he has granted an opportunity to the parties to contest the case and under the scheme of Section 129 of the Karnataka Land Revenue Act, when an objection is raised by any person, it is registered

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registered as a disputed case and the disputed case is taken up for hearing and disposed of in accordance with Rules 65 and 66. Rule 66 contemplates the procedure as laid down under Rule 43. Rule 43 provides a summary procedure to be followed in the matter. When such being the position, a decision has to be taken by the authorities after conducting an enquiry in compliance with Rule 43. It does not mean that an elaborate decision is to be rendered on the civil rights. It goes without saying that any order passed by the Revenue Authorities in these proceedings will be subject to the result of duly instituted suit, as the entry in the Mutation Register or R.T.C.do not confer any title. I make it clear that the parties are at liberty, if they feel that the whole dispute is to be settled by a civil suit, to take recourse to the same as well. In the instant case the respective parties have only been given an opportunity to contest the case. No prejudice is caused to the petitioner. The writ petition is dismissed.

Sd/-
JUDGE



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